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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
Against:

13 **GINGER ALLEEN SCOTT**

14 Respondent.

Case No. *2013-596*

**STATEMENT OF ISSUES**

15  
16 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

17 **PARTIES**

18 1. Complainant brings this Statement of Issues solely in her official capacity as the  
19 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
20 Affairs.

21 2. On or about October 4, 2011, the Board received an Application for Licensure by  
22 Examination from Ginger Alleen Scott ("Respondent"). In or about October 2011, Respondent  
23 certified under penalty of perjury to the truthfulness of all statements, answers, and  
24 representations in the application. The Board denied the application on January 25, 2012.

25 **JURISDICTION**

26 3. Pursuant to Business and Professions Code ("Code") section 485(b), on or about  
27 January 25, 2012, Respondent's application was denied and she was notified of the right to a  
28 hearing to appeal the denial.

4. On or about March 16, 2012, Respondent requested a hearing to appeal the denial of her application.

## STATUTORY PROVISIONS

5. Code section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under Code section 480.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for the following:

(a) Unprofessional conduct....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of Crimes)**

3 8. Respondent's application is subject to denial under Code sections 2761(f), and  
4 480(a)(1), in on or about March 28, 2005, in the case of *People v. Ginger Alleen Scott*, (Super.  
5 Ct., Tulare County, Case No. VCM137127B), Respondent was convicted by the Court on her plea  
6 of nolo contendere of violating Penal Code section 459 (second degree burglary), a misdemeanor;  
7 Penal Code section 530.5 (identity theft), a misdemeanor; and Penal Code section 496(a)  
8 (receiving stolen property), a misdemeanor. The crimes are substantially related to the  
9 qualifications, functions or duties of a licensed registered nurse. The circumstances of the crimes  
10 were that on or about July 15, 2004, Respondent attempted to cash a fraudulent check using  
11 another's identification.

12 **SECOND CAUSE FOR DENIAL OF APPLICATION**

13 **(Dishonesty, Fraud or Deceit)**

14 9. Respondent's application is subject to denial under Code section 480(a)(2), in that  
15 Respondent committed acts involving dishonesty, fraud or deceit with the intent to substantially  
16 benefit herself, as more particularly set forth above in paragraph 8.

17 **THIRD CAUSE FOR DENIAL OF APPLICATION**

18 **(Committed Acts Which If Done By A Licentiate)**

19 10. Respondent's application is subject to denial under Code section 480(a)(3)(A), in that  
20 she committed acts which if done by a licentiate of the profession would constitute grounds for  
21 discipline under Code section 2761(f) (conviction of a crime substantially related to the  
22 qualifications, functions or duties of a license holder), as more particularly set forth above in  
23 paragraph 8.

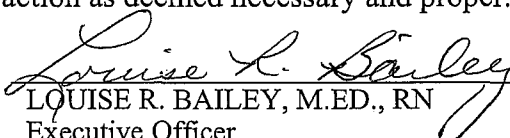
24 11. Respondent's application is also subject to denial under Code section 480(a)(3)(A), in  
25 that she committed acts which if done by a licentiate of the profession would constitute grounds  
26 for discipline under Code section 2762(a) (self-administration of a controlled substance). More  
27 specifically, on or about January 2, 2004, Respondent self-administered a controlled substance,  
28 methamphetamine.

**PRAYER**

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Ginger Alleen Scott for a Registered Nurse License; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: JANUARY 31, 2013

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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